

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY MOSCOW IMMEDIATE

C O N F I D E N T I A L STATE 138217

E.O. 11652: GDS

TAGS: CASC, UR, US (TOTH, ROBERT)

SUBJECT: INTERROGATIONS OF AMERICAN CORRESPONDENT

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REF: MOSCOW 8474

1. WHILE WE RECOGNIZE THAT MAIN ASPECTS OF TOTH CASE
ARE POLITICAL RATHER THAN LEGAL, FOLLOWING MAY BE OF
INTEREST TO EMBASSY AS BACKGROUND INFORMATION.

2. WE CAN IDENTIFY TWO PRECEDENT INSTANCES IN WHICH
AMEMBASSY CONSULAR OFFICERS WERE PERMITTED TO BE PRESENT
AT KGB INTERROGATIONS OF AMERICAN CORRESPONDENTS:

-- MAY 30, 1969 INTERROGATION OF NEWSWEEK CORRESPONDENT
JOHN DORNBERG ACCUSED OF ALLEGED IMPROPER SALE OF
AUTOMOBILE.

-- SEPTEMBER 17, 1971 INTERROGATION OF AP CORRESPONDENT
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JAMES PEIPERT IN CONNECTION WITH BUKOVSKIY CASE. (ARTICLES
7 AND 12 OF CONSULAR CONVENTION WERE CITED BY EMBASSY
AT THE TIME AS JUSTIFICATION FOR CONSULAR OFFICER'S
PRESENCE.)

3. ARTICLES 17, 141, 142, 151, 155, 158, 159, AND 160
OF RSFSR CODE OF CRIMINAL PROCEDURE GOVERN CONDITIONS

UNDER WHICH "ACCUSED" OR "WITNESS" IN CRIMINAL CASE MAY BE INTERROGATED. WHILE WE DO NOT HAVE SUFFICIENT KNOWLEDGE OF SOVIET PRACTICES IN THIS REGARD, THERE IS AT LEAST IMPLICATION THAT RIGHT EXISTS NOT RPT NOT TO SIGN STATEMENT OR TESTIMONY, AND THAT PERSON BEING INTERROGATED COULD INSIST ON TRANSLATION OF EACH PAGE OF WRITTEN TESTIMONY INTO HIS NATIVE LANGUAGE. EMBASSY MAY WISH TO POINT OUT THESE SECTIONS TO TOTH BUT SHOULD, OF COURSE, AVOID GIVING HIM LEGAL ADVICE.

4. WE HAVE ATTEMPTED TO DEVELOP INFORMATION ABOUT PETUKHOV AND HIS INSTITUTE. AS FAR AS WE CAN TELL, TARASSEVICH INSTITUTE IS NOT ENGAGED IN SECRET WORK AND IS NOT "CLOSED." ONLY REFERENCES WE CAN FIND TO PETUKHOV ARE ARTICLES PUBLISHED IN 60'S WHICH ARE NOT RELATED TO PARAPSYCHOLOGY.

5. IN VIEW OF LENGTH AND NUMBER OF INTERROGATIONS, WE WONDER IF SOVIETS ARE MORE INTERESTED IN HAVING TOTH'S TESTIMONY FOR USE IN OTHER CASES (LERNER, SHCHARANSKIY, ET. AL.) RATHER THAN IN EVENTUALLY BRINGING SOME KIND OF LEGAL ACTION AGAINST HIM. CHRISTOPHER

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